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OJC
Office for
Judicial
Complaints

The Office for Judicial Complaints

www.judicialcomplaints.gov.uk

All members of the Judiciary seek to maintain the highest standards of personal and professional conduct. The Lord Chancellor and the Lord Chief Justice take seriously any complaint that a Judge has in some way fallen short of these standards.

This leaflet explains how to complain and how we will do all we can to ensure that your complaint is dealt with fairly and as quickly as possible.

Complaints

A Judge's role in court is to make independent decisions in cases and their management. These are often tough decisions, and Judges have to be firm and direct in the management of their cases. Examples of Judges' decisions include the length or type of sentence, whether a claim can proceed to trial, whether or not a claimant succeeds in their claim, what costs should be awarded and what evidence should be heard.

This sort of decision cannot form the subject of a complaint. If you are unhappy with such a decision you are advised to seek legal advice from a solicitor, local law centre, Citizens Advice Bureau or the Community Legal Service to discuss whether you have a right of appeal.

If your complaint is not about a Judge's decision but about the Judge's personal conduct you have the right to complain to the Office for Judicial Complaints (OJC). Examples of potential personal misconduct would be the use of insulting, racist or sexist language.

How to complain

If you decide to make a complaint to the OJC your complaint should be made in writing by post or by email. If for any reason you are unable to do this please contact the OJC who will do all they can to help you. Our contact details are at the end of this leaflet.

Your letter should state clearly:

- your name, address, and telephone number;
- the name of the Judge, the court, the number of the case and the date of the hearing;
- specific details about the grounds of your complaint.

You can download a printable version of the complaints form from the OJC website. Details are at the end of this leaflet.

Your complaint should be made as soon as possible and, in any event, no later than 12 months after the incident that you wish to complain about.

If your case or your appeal is ongoing, we will not be able to consider your complaint until the case is closed; but you should still let us know about your complaint as soon as you can.

Remember the OJC cannot consider any complaint about a Judge's decision on your case or about how the Judge managed your case.

What happens next?

When the OJC receives your complaint we will acknowledge it within 2 working days.

To assist with the decision making process we may ask for further details of your complaint and ask others involved, including the Judge, for their account of events.

The OJC may dismiss a complaint, or part of a complaint, if it fails to meet the criteria set out in the judicial discipline regulations. (See the OJC website for further details.)

If the case is not dismissed by the OJC, the Lord Chancellor and the Lord Chief Justice will consider the evidence and decide what action, if any, is appropriate.

In certain complex cases the matter may be referred to a senior Judge for a judicial investigation.

At all stages we will keep you fully informed of progress.

If your complaint is upheld the Lord Chief Justice and the Lord Chancellor may decide to take disciplinary action against the Judge. You however should be aware that any such disciplinary action is a separate matter from your court case so it will not alter the outcome of your case.

How long will it take to investigate my complaint?

We aim to deal with your complaint and provide you with a full response within three months. However, if a judicial investigation is needed, the process may take several months longer.

What if I am not happy with the way my complaint has been handled?

If you are unhappy with the way your complaint has been dealt with or is being dealt with, you have the right to raise your concerns with the independent Judicial Appointments and Conduct Ombudsman, whose contact details are as follows:

Judicial Appointments and Conduct
Ombudsman
8th Floor, Millbank Tower
Millbank
London SW1P 4QP

Tel: 020 7217 4505

Fax: 020 7217 4262

Website: www.judicialombudsman.gov.uk

The Ombudsman may decide to review how your complaint has been handled and whether the proper procedures were followed. He is not able to investigate whether the decision reached on a complaint is right or not.

Your complaint should normally be made no later than 28 days after you are told by the OJC of the outcome of your original complaint.

Magistrates and Tribunals Panel members

There are separate procedures for complaints against Magistrates and Tribunal members.

Complaints against Magistrates should initially be taken to the local Advisory Committee. Most complaints about tribunal panel members should normally be referred to the President of that Tribunal. For further information please contact the OJC.

The Office for Judicial Complaints

The OJC is an associated office of the Department for Constitutional Affairs. It has been set up to support the Lord Chancellor and the Lord Chief Justice in their joint responsibilities for the system of judicial discipline. Its contact details are as follows:

Office for Judicial Complaints
4th Floor Clive House
70 Petty France
London SW1H 9HD

Tel: 020 7189 2937

Fax: 020 7189 2936

Minicom: 020 7189 2941

Website: www.judicialcomplaints.gov.uk

Email: customer@ojc.gsi.gov.uk

Braille, large print and Welsh formats of this leaflet are available from the OJC on request – please see contact details above.